

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIAFILED
SCRANTON

SEP 22 2020

PER [Signature]
DEPUTY CLERK(Chief) Michael S. Wilfeather-Gorhey
Full Name of Plaintiff Inmate Number

Civil No. _____

(to be filled in by the Clerk's Office)

v.

DR. JOANNA MARIE OLSON

Name of Defendant 1

☒ Demand for Jury Trial☐ No Jury Trial Demand

DR. Edinger

Name of Defendant 2

owners & RUTTERS
Geisinger eye institute

Name of Defendant 3

under imminent danger
28 USC § 1915(g)

Warden Spaulding

Name of Defendant 4

the United States

Name of Defendant 5

(Print the names of all defendants. If the names of all
defendants do not fit in this space, you may attach
additional pages. Do not include addresses in this
section).

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

OWI Feather-Gorbey Michael S.

Name (Last, First, MI)

D.C. Doc 317611 Fed. 33405-013

Inmate Number

USP Lewisburg

Place of Confinement

PO Box 1000

Address

Lewisburg, PA. 17837.

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☒ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Olson, Marie Joanna.

Name (Last, First)

Ophthalmologist. Eye specialist. Doctor

Current Job Title

16 Woodbine Lane (Geisinger eye institute)

Current Work Address

Danville, PA. 17822

City, County, State, Zip Code

Defendant 2:

Edinger
Name (Last, First)
F.Bop usp lewisburg medical doctor
Current Job Title
usp lewisburg 2400 Robert F. Miller Drive
Current Work Address
lewisburg
City, County, State, Zip Code

Defendant 3:

UNKNOWN named owners of Reuters
Name (Last, First)
OWNERS of Reuters Geisinger eye institute
Current Job Title
16 wood hime lane
Current Work Address
Danville, PA. 17822
City, County, State, Zip Code

Defendant 4:

spaulding
Name (Last, First)
warden usp lewisburg
Current Job Title
usp lewisburg. 2400 Robert F. Miller Drive
Current Work Address
lewisburg. PA. 17832.
City, County, State, Zip Code

Defendant 5:

States United
Name (Last, First)
Federal Government
Current Job Title
U.S. D.O.J. 950 PA. Ave. N.W.
Current Work Address
Washington, D.C. 20530
City, County, State, Zip Code

- (6) A. DUTTY
Health service supervisor
2400 Robert F. Miller DR.
Lewisburg, PA. 17832.

Gorbey vs. Olson et al.

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

At Geisinger eye institute & usp Lewisburg PA.
IN THE EVENTS OF glaucoma

B. On what date did the events giving rise to your claim(s) occur?

7-7-2020 TO 7-20-2020 TO 9-13-2020 AND CONTINUING

C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

Gorby has glaucoma which requires treatment &
was recommended for alternative meds. and was
directed to ophthalmologist specialists. When
recommended laser surgery at Geisinger eye institute
Danville, PA. on 7-7-20, & yet Gorby was never allow
to pre-read (any) consent for medical treatment and or
listed side effects, where then (malpractisly) on 7-20-20
DR. OLSON (REQUIRED Gorby to sign) A consent for treatment
form for laser surgery on his left eye not 5 seconds
before the surgery or he seem to have refused all
treatment. where given the condition of Gorby's l-eye
& events, he consented to the treatment without being able
to read the consent & side effects. where then Gorby
sent a letter & consent for release of information form
to Geisinger eye institution on about 7-28-20 for a copy
of the consent & side effects information. yet none was
ever supplied. see continuance pages.

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

14th Amendment Equal Protection Rights.

8th Amendment medical treatment, Cruel Unusual Punishment & imminant dangers.

1st Amendment Rights to Disclosure.

4th Amendment Privacy Rights.

* Jurisdiction *

where while Giesinger eye institute, its owners & Dr. Olson are state operated dependants they are proceeding under contract with & through the F.R.P. & the United States possibly involving both on either 1983 & Bivens Jurisdiction.

V. INJURY & Also fall under ANY Employee standard of the F.T.C.A.

Describe with specificity what injury, harm, or damages you suffered because of the events described above.

Unspecified Damage to left eye. To NERVS, Retina & Pressure Passages threat of loss of l-eye or Blindness, threat of Further Damage to R-eye & total Blindness. PAIN & SIGHT Disorder in left eye.

VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

① \$9,011,000.13 cash.

② Emergency Evaluation, Examination & necessary eye treatment by different independant ophthalmology specialist. For Damages to l-eye by laser surgery & Evaluation of need For R-eye treatment.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose. *to best of my knowledge.*

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

(Chief) Michael S. Owl Feather - Gorbey
Signature of Plaintiff

9-11-2020
Date

Declaration of mailing \$1746 + \$1621

I Gorbey declare that on 9-13-20 I deposit this Pleading & all attachments in usps lewisburg internal legal mail system by 1st class us indigent inmate mail.

*(Chief) Michael S. Owl Feather - Gorbey
Fed. 33405-013 D.C. Doc 317611
usps lewisburg PA.*

Where, while Gorbey Recieved the 7-20-20 laser Treatment He 2 (two) Times Had to inform DR. Olson that she Was Hurting Him Causing serious Pain to the left Temple area of His Head, Possibly injuring Him, Where, then on 9-1-20 Gorbey Was Carry back to the Getsinger eye institution, Danville, PA. For A Follow up on the L-eye laser surgery & Consideration For Treatment on the R-eye, yet, After Examining Both of Gorbey's eyes, DR. Olson (made A claim to Gorbey) that The laser surgery Had Help (both eyes) & He Was Now in better shape to Prevent Future Damages.

yet, then, Gorbey Explain to DR. Olson that, that should be impossible since He Had only Recieved laser Treatment to His L-eye & yet, DR. Olson Arguingly Contradicted Gorbey that He Had Recieve laser surgery to (Both eyes) on 7-20-20 & the Examination she Just Conducted Reveal that it Had Help (Both eyes!)

Where, then After some Discussion, DR. Olson then Consulted Her Computer in Gorbey's Presence to infact Discover that she infact Had NOT Perform laser surgery on the Right eye, see witnesses, F.Bop Transport officers Johnson & Eurp. USP Lewisburg,

yet, then, After Discovering through Her own Computer that Gorbey Had only Recieved L-eye laser surgery, DR. Olson then immediately switch up & began Arguing that the R-eye is still in bad shape & Needs Treatment & Completely

Contradicting Her own Arguments Just minutes Earlier, & Seriously Questioning Her Judgement, & the need For Further Treatment, & makes us Wonder if she is simply seeing Another FBoP Prisoner & A Fast Pay check, malpracticedly Prescribing Treatment For Her own Personal gain that "Could" Cause Gorbey serious Physical injury To His R-eye and/or Even Cause Him To lose His sight or ~~an Eye~~ Eye Completely, so.

Gorbey then demanded that DR. Olson Provide Him With A Copy of the Consent Form she Had Him sign before & that He would Have To sign Again & Any Relevant Facts or information on Any possible damages or side Effects Related To the laser surgery & DR. Olson Assured Gorbey that she would Have Her staff to (immediately) mail Gorbey A Copy of this information so He Could Review it before the next surgery.

Where, then, on 9-8-20 As Gorbey never Recieve the Requested information From Geisinger eye institute, He sent A Cop-out To usp Lewisburg medical department Explaining the situation & Requested A Copy of the Geisinger Consent For Treatment & side Effects Forms (before) He would Consent To Any Further Treatment.

yet, then, on 9-11-20, under the direction of Warden spaulding, Health service supervisor A. DUTTRY & the united states, usp Lewisburg PR.

Edinger Had Gorbey Remove From His X-Block shu Cell 020 To A shu Holding Cage & Try To Tell Gorbey that He Gorbey Was in between A Rock & A Hard Place, that the F.Bop Could NOT Provide Him With ANY Geisinger Records. Even those Filed in to Gorbey's Personal medical Files. Within the F.Bop. (clearly lying to Gorbey As He Has A Right to ANY Records stored in His F.Bop medical Files) see.

F.Bop P.S. 1351.05 Release of information

5 USC § 552 the Privacy Act.

Where Edinger then Proceeded to Argue that He Had Dealt With Geisinger For years & they never let an inmate Pre-Review Treatment Consent Forms & they were Always simply Compel to sign just seconds before receiving Treatment & that F.Bop Policy does Not Allow F.Bop staff to counsel inmates on Treatments they may receive outside the Prison, (being yet Another lie!) see Gorbey vs. Mubarek et al 1:19-cv-220-RDB U.S. Dist. Ct. Baltimore Md. Where Government Attorneys & F.Bop staff Argued that (in Accordance With F.Bop Policy) F.Bop staff Presented to Gorbey & Counsel Him About Any Damages & side Effects He Could suffer From Consenting to outside medical Treatment.

Where Edinger Proceeded to Argue that this Rock & A Hard Place only left Gorbey 2 (Two) choices

- (a) Gorbey Could Right then & there 9-11-20 Sign An F.Bop Refusal of Treatment Form & immediately be Transfer to Another Facility, or.
- (c) Gorbey Would Have A medical "Hold" Applied & His Transfer stop & then soon be Return to the Geisinger eye institute & be Confronted With & Force to Consent to Treatment Just seconds before it was Applied (Without) Ever being Able to Read the Consent Form or to be Consulted on Any Possible Damages or Side Effects, that He Would or Could suffer From such Treatment, Which A Refusal to sign would dump all liabilities on Gorbey's shoulders.

clearly, being Geisinger eye institute owners & Ruetters, DR. Olson, DR. Edinger, Warden Spaulding, A. Puttry Lewisburg Health service Supervisor & the United States Trying to intimidate Gorbey through Coarison or threat" To Either Completely Waive All Rights to Any Further Treatment or to be Force to under go Treatment As He was Compell to do with His 1-eye Malpracticly (Without) Ever being Allow to Read the Consent For Treatment Form or to Ever be Counsel on Any Possible Damages or Side Effects that Could Result From the treatment, that Could seriously injure or Blind Him, & clearly being imminent danger.

Note 1

the F.Bop is (obligated) upon Gorbey's Request, to Provide Gorbey a Copy of Any Records Admitted into His F.Bop medical Files, including Any & All Geisinger Consent For & other Treatment Records & Forms. P.S. 1351.05, Section 7 § 513.32 (d)(1) Regardless of where the Records were originally generated From. And.

Note 2

When Requested by Gorbey, F.Bop Staff are Also (obligated) To Counsel Gorbey on Any & All Possible Treatment, Damages or Side Effects He may Receive through Contracts between the F.Bop & Any outside medical Facility. (While) Gorbey is in F.Bop Custody (Regardless of Whom) is Performing the Actual Treatment!

Note 3

Geisinger eye institute owners, Ruetters & Doctors are (Equally obligated) under the 8th & 14th Amendment, to (insure) that "Every Patient"! (Even Prisoners)! are Not subject to malpractice & that they are "Pre-Advised" of All & Any Possible Damages & Side Effects that "Could" Result From Receiving such Treatment.

Which Geisinger owners & Ruetters, DR. Olson DR. Edinger, Warden Spaulding, HSA A. Duttry & the United States already violated on 7-20-20 in regards to Gorbey's L-eye laser surgery He is

Now suffering serious Pain & Blured vision From that Could Result in Total Blindness in His left eye & Qualifies AS imminent Danger. AND.

They are All (Equally liable) Now by Trying to Force Gorbey through Coarison or threat to Forfeit all His Rights to Treatment or to Again be force to undergo treatment (Without) being able to be Pre-Advised of possible Damages & or side Effects is Equally AN 8th & 14th Amendment violation & imminent Danger.

Elrod vs. Burns 427 U.S. 347, 373, 96 Sct 2675, 49
led. 2d. 547 (1976)

the loss of Constitutional Freedoms For Even A minimum Period of Time UNQUESTIONABLY Constitutes irreparable injury.

Neb Press ASSN vs. Stuart 423 US 1327, 1329 (1975)

Monmouth County Corr. Inst. inmates vs. Lanzaro
(3-19-1987) 834 F.2d. 320.

8th & 14th Amendment medical Rights.

Estelle vs. Gamble 429 U.S. 97, 107 (1976)

Gutierrez vs. Peters 111 F.3d. 1364, 1369 (7th cir. 1997)

Bradley vs. Puckett 157 F.3d. 122 (5th cir. 1998)

Boring vs. Kozakie Wicz 833 F.2d. 468 slip op
at 11 (3rd cir. 1987)

Inmates of Allegeny County Jail vs. Pierce 612
F.2d 754, 762 (3rd cir. 1979)

Martin vs. Shelton 319 F.3d. 1048, 1050 (8th cir. 2003)

A pattern of misconducts Evidencing the
likelihood of serious physical injury or death
Abdul Albar vs. McKelvie 239 F.3d. 307. 315 (3rd cir 2001)
Bartle vs. United States (4-26-2018) US Dist. lex. 70874.

(chief) michael S. dwl Feather - Gorbey
DC Doc 317611 Fed. 33405-013
USP Lewisburg P.A.
Po Box 1000
Lewisburg, PA.
17837.

see Affidavit in support.

Affidavit

Declaration under Penalty of Perjury.

I Gorbey declare that the Facts Here are true
& correct on 9-11-20 to the best of my knowledge.
28 USC § 1746 & 18 USC § 1621

(chief) michael S. dwl Feather - Gorbey
DC. Doc 317611 Fed. 33405-013

I Gorbey, declare that originally Gersinger
DR Olson were any other Gersinger or FBop staff
Ever Even attempted to provide me information
or consult me on any possible damages or side
Effects of laser surgery & that on 7-20-20 DR.

olson Had me to sign AN UNread or Read to me CONSENT For treatment Form to my l-eye just minutes or Even seconds before Applying the left eye laser treatment. Even though I Question Possible damages & Side Effects, & that F.Bop staff Act Hostile & intimidate me to believe that I will Recieve F.Bop Discipline Actions if I Refuse to sign Geisinger Papers While on medical trips. Where. Dr. Edinger on 9-11-20 Admitted to Knowledge that Geisinger staff Commonly (Refuse to Allow) Prisoners to Pre-Review Consent For treatment Forms. Where. While Conducting l-eye laser surgery on 7-20-20 I believe Dr. Olson deliberately Applied (Too much) laser surger-treatment to (Cause a Need For) additional treatment AS 2 (Two) times I Had to inform Her she was seriously Hurting me with the laser treatment which felt like the Temple Eye vein would burst. For which I now suffer additional temple & eye pains & Blur vision. From. & I Feel intimidated by defendant when Are Coarisoning & threatening me to Forfeit my Rights to all treatments or to suffer Further injuries (Without) being Advised of Possible damages or Side Effects of treatment that may Not be needed.

(Chief) Michael S. Owl Feather - Garbey

DC Doc 317611 Fed. 33405-013

USP Lewisburg

PO Box 1000

Lewisburg, PA. 17837.

Inmate Name: Michael S. Owl Feather - Gorbey
Register Number: 33405-013
United States Penitentiary
P.O. Box 1000
Lewisburg, PA 17837 *PM*

16 SEP 2020

RECEIVED
SCRANTON

SEP 22 2020

PER SJ
DEPUTY CLERK

(legal - special mail)

(open only in presence of
Gorbey or the U.S. Court)

clerk of Court
U.S. DISTRICT COURT
P.O. Box 1148
Scranton, P.A.

18501

